

Judge Pauley

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TELECOM ITALIA SPARKLE OF NORTH
AMERICA, INC.,

07

CV

3619

"ECF CASE"
JUDGE WHP

Plaintiff,

-against-

VERSO COMMUNICATIONS, INC.,

Defendant.
-----X

2007 CIV.

COMPLAINT

MAY 07 2007

U.S. DISTRICT COURT
S.D.N.Y.
CLERK

Plaintiff, TELECOM ITALIA SPARKLE OF NORTH AMERICA,
INC., by its attorney, Peter J. Speziale Law Offices, PLLC, for
its complaint, alleges as follows:

The Parties

1. Plaintiff is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 745 Fifth Avenue, 27th Floor, New York, New York 10151. Plaintiff is a telecommunications service provider engaged in the business of providing telecommunications services to its customers.

2. Defendant is, upon information and belief, a corporation organized and existing under the laws of the State of California, with its principal place of business at 5820 Miramar Road, Suite 210, San Diego, California 92121.

Jurisdiction

3. Jurisdiction is conferred upon this Court by 28 U.S.C. Section 1332(a)(1), based upon diversity of citizenship.

4. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. Venue is proper in this district pursuant to 28 U.S.C. Section 1391(a).

Substantive Allegations

6. On or about December 6, 2006, defendant entered into an agreement with plaintiff whereby plaintiff was to provide telecommunication services to defendant, and defendant agreed to pay plaintiff for same (the "Agreement").

7. During a period which includes dates within December, 2006 through January 2007, plaintiff furnished defendant with telecommunications services.

First Claim

8. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 7 as if fully set forth herein.

9. Plaintiff has duly complied with all of its obligations pursuant to the Agreement.

10. Defendant breached the Agreement by failing to pay plaintiff as agreed.

11. Pursuant to the Agreement, defendant owes plaintiff the

sum of \$91,581.58, plus ongoing late payment charges.

12. Although duly demanded, no part of the \$91,581.58, plus the ongoing late payment charges, have been paid.

Second Claim

13. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 12 as if fully set forth herein.

14. Defendant did order from the plaintiff certain telecommunication services and defendant requested that plaintiff deliver and/or make available said telecommunication services to defendant.

15. Plaintiff did comply with the orders of the defendant in that plaintiff provided, sold and/or delivered certain telecommunication services as specifically requested by defendant, and which telecommunication services were accepted, and the benefits thereof received by defendant, without complaint.

16. Full payment for said telecommunication services has been duly demanded on numerous occasions but has not been forthcoming, to the detriment of plaintiff in the sum of \$91,581.58, plus ongoing late payment charges.

Third Claim

17. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 16 as if fully set forth herein.

18. Plaintiff rendered to defendant full and true accounts

of the indebtedness owing by the defendant as a result of the aforementioned, in the amount of \$91,581.58, plus ongoing late payment charges.

19. Said account statements were delivered to and accepted without objection by defendant, resulting in an account stated for the sum of \$91,581.58, plus ongoing late payment charges.

20. Although duly demanded, no part of the \$91,581.58, plus the ongoing late payment charges, have been paid.


Wherefore, plaintiff demands judgment against defendant in the sum of \$91,581.58, plus ongoing late payment charges, together with interest and the costs and disbursements of this action, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 7, 2007

Yours, etc.

PETER J. SPEZIALE LAW OFFICES, PLLC

By


Peter J. Speziale (ES6481)

Attorneys for Plaintiff
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